

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MONDAIRE JONES, *et al.*,

Plaintiffs,

-v-

UNITED STATES POSTAL SERVICE, *et al.*,

Defendants.

20 Civ. 6516 (VM)

**STIPULATION AND ORDER OF
DISMISSAL OF PLAINTIFFS'
CLAIM FOR ATTORNEYS' FEES
AND COSTS**

WHEREAS, Plaintiffs filed this suit on August 17, 2020;

WHEREAS, on May 13, 2021, the Court entered a Stipulation and Order (Dkt. No. 124) dismissing this action with prejudice, but retaining jurisdiction solely to resolve any potential dispute between the parties concerning Plaintiffs' claim for the payment of fees and litigation expenses under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d), (the "EAJA Claim"); and

WHEREAS, the parties now desire to resolve the EAJA Claim consensually and without further litigation;

IT IS HEREBY STIPULATED, AGREED, and ORDERED as follows:

1. After the Court has approved and docketed this Stipulation and Order, within ninety (90) days of entry thereof, the United States Postal Service ("USPS") shall pay to Plaintiffs, via electronic funds transfer, the sum of SEVENTY-NINE THOUSAND AND NINE HUNDRED DOLLARS (\$79,900), which sum Plaintiffs agree to accept in complete satisfaction of any and all claims, under the EAJA or otherwise, by Plaintiffs for attorneys' fees, expenses, costs, interest, and any other sums related to this litigation. Counsel for Plaintiffs will provide the

necessary information for USPS to effectuate payment.


2. The EAJA Claim is dismissed with prejudice.

3. This Stipulation and Order shall not constitute an admission by Defendants that Plaintiffs are entitled to any attorneys' fees or litigation expenses; nor shall it constitute or be construed to constitute an admission of any wrongdoing or liability by Defendants, an admission by Defendants of the truth of any allegations or the validity of any claim asserted in this action, or a concession or admission by Defendants of any fault, omission of any fact, or failure to act.

4. The parties agree that this Stipulation and Order will not be used as evidence or otherwise in any pending or future civil or administrative action against any of the Defendants, the United States, or any agency or instrumentality of the United States.

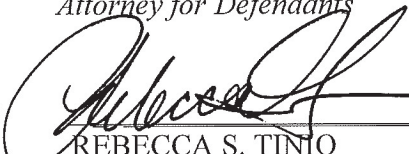
5. The parties understand and agree that this Stipulation and Order contains the entire agreement between them, and that no statements, representations, promises, agreements, or negotiations, oral or otherwise, between the parties or their counsel that are not included herein shall be of any force or effect.

Dated: October 28, 2022
~~New York~~, New York
Brooklyn
COHEN & GREEN P.L.L.C.
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Dated: October 28, 2022
New York, New York

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SO ORDERED:

HONORABLE VICTOR MARRERO
UNITED STATES DISTRICT JUDGE

Dated: _____, 2022
New York, New York